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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1700/2023 & CRL.M.A. 15837/2023

GAURAV MITTAL AND ANR. & ANR.Petitioners

Through: Mr. Aditya Gauri, Mr. Amar Vivek,
Ms. Damini Srestha, Mr. Anant Jain,
Mr. Aryan Chhabra, Advocates

versus

GOVERNMENT OF NCT DELHI & ORS.Respondents

Through: Mr. Anand V. Khatri, ASC for the
State
Mr. Palvinder Singh, Mr. S.W
Nomani, Advocates for R-2 & 3

+ W.P.(CRL) 2889/2023, CRL.M.A. 35412/2024 & CRL.M.A.
2609/2025

GAURAV MITTAL & ANR.Petitioners

Through: Mr. Aditya Gauri, Mr. Amar Vivek,
Ms. Damini Srestha, Mr. Anant Jain,
Mr. Aryan Chhabra, Advocates

versus

GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Anand V. Khatri, ASC for the
State
Mr. Manoj Kumar, Advocate for R-2,
3 & 4
Mr. Kunal Manav, Mr. Aakash
Kumar, Advocates for R-5, 6 & 7



CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.09.2025

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1. The present petition under Articles 226 and 227 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeks a direction restraining the Respondents from proceeding against the Petitioners in view of the interim moratorium imposed under the Insolvency and Bankruptcy Code, 2016.¹
2. The Petitioners are Directors/Promoters of M/s CHD Developers Ltd., which is presently undergoing Corporate Insolvency Resolution Process under Section 7 of the IBC. It is their submission that, in view of the company being under CIRP and by virtue of Section 96 of the IBC, the interim moratorium extends to them as well, thereby barring continuation of the cheque dishonour proceedings.
3. Counsel for the Petitioners candidly acknowledges that the issue stands concluded by the judgment of the Supreme Court in ***Rakesh Bhanot v. Gurdas Agro Pvt. Ltd. & Ors.***², wherein it has been held that proceedings under Section 138 of the NI Act, being criminal in nature, are not stayed by the moratorium imposed under Section 96 of the IBC.
4. However, at the same time, the counsel places reliance on an order of the Supreme Court in ***Raj Kumar Aggarwal vs. Kotak Mahindra Bank***,³ wherein proceedings under Section 138 NI Act were directed to remain

¹ "IBC"

² 2025 INSC 445

³ W.P. (CrI) No. 311/2025



stayed, notwithstanding the moratorium and the decision in ***Rakesh Bhanot***.

5. Be that as it may, this Court is bound by the authoritative pronouncement in ***Rakesh Bhanot***, which squarely covers the controversy at hand. No relief can therefore be granted to the Petitioners.

6. The petition is accordingly dismissed, along with pending applications, if any.

SANJEEV NARULA, J

SEPTEMBER 2, 2025/ab